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Attorney Docket No. 56804 (46342)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS Itoh, et al. EXAMINER: Haddad, Maher M.
U.S.S.N.: 10/019,455 GROUP: 1644
FILED (U.S.): December 28, 2001 Conf. No. 5636
FOR: NOVEL POLYPEPTIDE AND DNA THEREOF

Commissioner for Patents
Washington, D.C. 20231

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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 on December 18, 2002.

By: *Helen Murray Tarbi*
Helen Tarbi

Sir/Madam:

RESPONSE TO RESTRICTION REQUIREMENT

Applicants respond as follows to the Restriction Requirement made Under 35 U.S.C. § 121 and 372, for an alleged Lack of Unity, and to the additional Election of Species Requirement as set forth in the Office Action dated November 19, 2002.

Applicants hereby elect Group I, claims 1-16, 18-19 and 22-23, and further elect SEQ ID NO:24 as the nucleic acid species of this Group. The election is made with traverse and solely to comply with the Office Action and should not be construed as a surrender of any subject matter in the application. The right to file divisional applications based on the non-elected claims is reserved.

Although it is not believed that any fee is required to consider this submission, the Examiner is hereby authorized to charge our deposit account 04-1105 should any fee be deemed necessary.

Respectfully submitted,

Date: Dec 18, 2002

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